

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

BRYAN M. GIL, et al.,

Plaintiffs,

-against-

ORDER

CV 06-1683 (LDW)(ARL)

COUNTY OF SUFFOLK, et al.,

Defendants.

-----X

LINDSAY, Magistrate Judge:

By letter dated August 8, 2007, the defendants request an order directing the plaintiffs to reimburse defendants' cost incurred in producing Detective Leslie for deposition on August 8, 2007. Plaintiffs oppose the application by letter dated August 12, 2007. Plaintiffs contend that Officer Pryor was scheduled for deposition on August 8th, not Detective Leslie, and that Officer Pryor's deposition was completed on that day. Plaintiffs' counsel acknowledges that while there may have been some time to begin Detective Leslie's deposition, she opted to defer that deposition until a date when it could be completed on a single, seven hour day in accordance with Federal Rule of Civil Procedure 30(d)(2).

The court finds that the plaintiffs' position is not unreasonable. In addition, given that Detective Leslie remained at the deposition on his own accord, any expense incurred in connection with that decision is to be borne by the defendants. Accordingly, the defendants' application is denied.

Dated: Central Islip, New York
August 13, 2007

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge

